Before the

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES

Statement of

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On

Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations

July 9, 2008

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INTRODUCTION

Chairman DeFazio, Congressman Duncan, members of the Subcommittee, thank you very much for inviting me to testify on behalf of the American Trucking Associations.[1] The trucking industry is the primary mover of America's freight. In 2006 the industry transported 10.7 billion tons of freight, 69% of the total volume of goods moved by all transportation modes.[2] By 2018 the trucking industry is projected to transport 13.9 billion tons of freight and our market share will increase slightly to 70%.[3] The industry will be asked to meet this challenge in the face of record fuel prices, a growing driver shortage, increasing highway congestion and declining productivity.

Since 2002, the trucking industry has experienced steadily declining levels of productivity due to increased congestion, changes in the labor market and a falling average length of haul. In addition, while the trucking industry is currently experiencing economic challenges, over the long term, we will experience a significant driver shortage. Over the next 10 years, the long-haul truckload sector shortage alone is anticipated to rise above 110,000 drivers.[4]

A seamless, reliable national network of highways is crucial to our industry's ability to deliver goods safely, rapidly and on schedule. Since deregulation and completion of the Interstate Highway System over the previous quarter century, the trucking industry has made continuous improvements that have allowed its customers to significantly reduce inventories and create manufacturing and supply chain efficiencies that have saved the U.S. economy billions of dollars, increased salaries, slowed consumer price increases and created countless jobs. Any disruption to the movement of freight on our nation's highway system will jeopardize these gains. However, a growing percentage of the highway system experiences daily congestion, and what was once called "rush hour" is now a peak congestion period that can last several hours. Congestion slows delivery times, creates unpredictability in supply chains and ultimately makes U.S. businesses less competitive and consumer products more expensive.

The trucking industry is experiencing the highest prolonged fuel prices in history. For most motor carriers, fuel has surpassed labor as their largest expense. It currently costs $1,400 to fill a typical tractor trailer's fuel tanks. Fuel cost increases ultimately will increase the cost of everything delivered by truck. Because trucking is a highly competitive industry with very low profit margins, many trucking companies are reporting that higher fuel prices are greatly suppressing profits, if they are making a profit at all. According to Avondale Partners, in the first quarter of 2008, nearly 1,000 trucking companies with at least five trucks failed. This represents the largest number of trucking-related failures since the 2001 third quarter. In another report, the U.S. Department of Labor said that for-hire trucking companies decreased payrolls by over

[1] The American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of other trucking groups, the industry-related conferences and its 50 affiliated state trucking associations, ATA represents more than 37,000 members covering every type of motor carrier in the United States.
[2] Global Insight. *U.S. Freight Transportation Forecast To…2018*, 2007.
[3] *Ibid.*
[4] Global Insight, Inc., "The U.S. Truck Driver Shortage: Analysis and Forecasts," Feb. 23, 2005.

10,000 during the first five months of this year. In order to reduce both the economic impacts of escalating energy prices and the industry's environmental footprint, we must find a way to burn less fuel while meeting growing demands.

Under current federal and state truck size and weight regulations, the growth in freight demands will require a 41% increase in the number of commercial trucks, adding 3 million trucks to the road.[5] While some have suggested that more freight should be moved by rail to relieve highway congestion, the fact is that even if the projected increase in intermodal rail tonnage doubled from 72.6% to 145.2% by 2018, the trucking industry would still move 69% of the freight instead of 70%, and intermodal rail's market share would be 2.5% versus 1.7%. This would have an imperceptible impact on truck traffic.

Mr. Chairman, barring unforeseen severe economic disruptions, the demand for trucks to move more freight in the future is inevitable. However, the projected increase in the number of trucks required to move this freight is a controllable factor, and we believe that with reauthorization pending, the time is right for Congress to review size and weight restrictions. The trucking industry can reduce the projected number of trucks required to move the Nation's freight, but we cannot act without changes in federal law that allow the industry to utilize fewer and more productive vehicles.

Congress will have an historic opportunity in the next surface transportation bill to define a new vision for freight transportation that allows all modes to operate at maximum productivity and efficiency, and at the highest possible safety standards. That vision should include a truck size and weight regime that is governed by engineering and scientific principals and recognizes the unique needs of different industries and geographic regions. Reform of size and weight regulations can, if employed responsibly, improve highway safety, relieve congestion, lower freight rates, alleviate the driver shortage, reduce energy use and improve air quality. The United States is facing unprecedented environmental, energy and transportation congestion crises, and our Nation can no longer afford to ignore the opportunities before us to address these challenges by making logical changes in federal law that authorize States to give the trucking industry the opportunity to more fully utilize our safest, cleanest and most economical vehicles.

CURRENT SIZE AND WEIGHT REGULATION

Today's size and weight regulations evolved over the course of many decades to meet economic demands, satisfy engineering standards and fulfill other objectives. The simplest description of size and weight regulation is as follows: the federal government has assumed the role of establishing both minimum and maximum weight limits on Interstate Highways to satisfy both interstate commerce and infrastructure preservation goals; in order to promote interstate commerce, the federal government has also established minimum truck length and width regulations on a 200,000 mile long federally designated National Network (NN) and on reasonable access routes which serve the NN. The States' role is to govern weight regulations off the Interstate System and to establish maximum length and height limits on all roads.

[5] *Ibid*.

However, the system is much more complex than this simple description would suggest. Through a series of grandfather rights and exemptions, 38 States allow weight limits in excess of the federal standard on at least some portion of their Interstate Highway Systems. In total, 48 States allow weight limits in excess of Federal maximums on some portion of their highway systems. Furthermore, all states except Hawaii allow trailers longer than the 48' minimum federal standard on substantial parts of their highway networks.

Where these exceptions in law exist, there is little uniformity from one state to another in terms of weight limits, routing requirements, equipment specifications, commodity exemptions, whether a permit is required and the details of the permit. While this can be problematic, in many cases these exceptions are designed to meet a specific need within a narrow geographic region and, sometimes, within a limited time-frame. For example, many exceptions are granted to assist farmers who must rapidly transport their crops from the field to storage facilities, processing plants or intermodal transportation facilities during harvest season before spoilage occurs.

Often these needs can be satisfactorily fulfilled under the current legal framework. However, in too many cases federal restrictions on size and weight limits force the State to make a difficult decision: put businesses and jobs at risk or allow trucks to use secondary roads that were not built to accommodate larger or heavier vehicles. This issue has been most prominently illustrated in Maine, where the State, in order to protect the viability of critical jobs-producing industries with high freight transportation costs and significant international competition, has made the difficult decision to allow heavier trucks to use the secondary road system despite the fact that Interstate highways, which were built to standards that can better accommodate these vehicles, run parallel to these routes and would make a far better, much safer alternative. Unfortunately, federal restrictions on Interstate operations prevent the State from shifting trucks to these safer, more efficient and better engineered highways. There are many other examples similar to Maine's situation. For example, the Minnesota legislature recently changed state regulations to allow heavier trucks to support the State's agriculture and timber industries. However, federal law prevented the State from allowing these trucks to operate on Interstate Highways. This situation repeats itself throughout the country.

THE CASE FOR SIZE AND WEIGHT REFORM

Despite these challenges, thanks to strong minimum federal size and weight standards and federal preemption of State law, most trucks have access to major highways throughout the United States. These interstate commerce protections are absolutely critical to an efficient freight transportation system and must continue. However, federal law in this area was last updated in 1982. Both the trucking industry and the U.S. economy have changed substantially over the last 26 years. Since the early 1980s, the U.S. population has grown by 32%, real GDP has increased by 82%, and since 1990 truck tonnage has increased by 39%.

While other modes have adapted their equipment to meet these growing demands, the capacity of the trucking industry's cargo-carrying equipment has remained essentially stagnant due primarily to federal restrictions on truck size and weight limits. One comparison of productivity changes

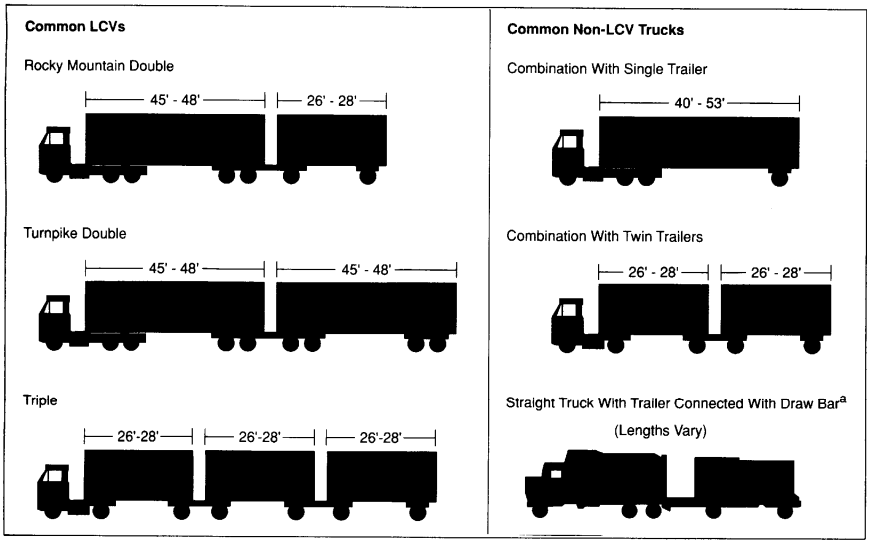
in various modes due to equipment improvements[6] found that trucking industry improvements have lagged far behind other freight modes since 1980. The author found that ocean intermodal vessel capacity has increased by 300%; rail intermodal capacity by 200%; grain train capacity by 93%; and aircraft capacity (weight) by 52%. In the meantime, the cubic capacity of a truck has increased by just 18% and the weight by 9%. The author also found that U.S. truck weights were lower than what is currently allowed on a broad scale in Canada, Mexico and the European Union. Federal restrictions have prevented the trucking industry from adapting to new economic realities as other modes have, and the U.S. is falling behind other countries who have recognized the benefits of more productive vehicles and have allowed their trucking industries to use safer, cleaner and more economical vehicles.

Mr. Chairman, modernization of federal size and weight regulations should be a priority in the next highway reauthorization bill. We understand that there may be concerns over the safety and infrastructure implications of size and weight reform. The trucking industry is extremely proud of the fact that the fatal crash rate for 2006, the latest year for which statistics are available, is the lowest on record.[7] In fact, over the past 30 years the industry's fatal crash rate has declined by 58%. We know that we can do even more to reduce the number and rate of truck-involved crashes and ATA is advocating an aggressive safety agenda that includes: a national maximum speed limit of 65 mph for all vehicles; a requirement for all newly manufactured large trucks to be electronically speed limited to no more than 68 mph; a centralized clearinghouse for all positive drug and alcohol tests of commercial drivers; a national employer notification system for traffic convictions; and, regulatory and tax incentives for rapid adoption of advanced safety technologies that have demonstrated safety benefits. We have no interest in jeopardizing these gains or undermining our continuing efforts to improve safety by allowing unsafe trucks to operate on our highway system, and ATA will only support changes to both federal and state regulations that are likely to produce a safer highway environment. Truck size and weight reform is a key component of our efforts to reduce truck-involved crashes. Furthermore, ATA will not support changes to size and weight regulations that will likely produce a vehicle fleet which imposes additional, uncompensated costs on the highway system.

In order to help the subcommittee to better understand the subsequent discussion, the following illustration provides, for reference, a description of common vehicle types currently operating in the United States:

[6] Berndt, Mark, Wilbur Smith Assoc., *Are Highways Failing to Enable a Seamless Intermodal Supply Chain?* Transportation Research Board Annual Meeting, Jan. 13-17, Session 502 Presentation.
[7] Federal Motor Carrier Safety Administration, *Large Truck Crash Facts 2006*.

Figure 1: Distinguishing LCVs From Other Trucks



Federal law currently restricts States' ability to control size and weight limits on their highways. However, decades of experience and volumes of research indicate that more productive vehicles can be operated without a detrimental effect on safety or the condition of highways and bridges.[8]

At the request of Congress, the Transportation Research Board (TRB) issued a report on the impacts of federal truck size and weight regulations.[9] Among the report's conclusions was that the largely static and inflexible system of federal regulation that currently exists "…discourages private- and public-sector innovation aimed at improving highway efficiency and reducing the costs of truck traffic…," including costs related to accidents involving trucks.[10]

In a nutshell, the TRB report concluded that states should be given greater authority, with strong federal oversight, to make decisions with regard to the size and weight limits of trucks on highways under their jurisdiction. The report further recommended that federal regulatory oversight of weight limits should not be extended to the National Highway System, as recently introduced legislation seeks to do.[11]

Here are just a few examples illustrating why federal regulations must be reformed:

<u>Oregon, South Dakota, Ohio and Montana Overall Length Restriction</u>
The 1991 ISTEA freeze on longer combination vehicles (LCVs) froze not only the length, weight and routes of operation of LCVs, but also any other state regulations pertaining to LCVs. The comprehensive nature of the freeze gives states almost no flexibility to make changes, even

[8] See for example Transportation Research Board, <u>Truck Weight Limits – Issues and Options</u>, 1990, and <u>New Trucks for Greater Productivity and Less Road Wear</u>, 1990.
[9] Transportation Research Board Special Report 267, *Regulation of Weights, Lengths and Widths of Commercial Vehicles*, 2002.
[10] *Ibid.*, p. 5-1.
[11] H.R. 3929, S. 3021

when they are consistent with Congress' larger objective of ensuring that LCVs do not operate beyond their current dimensional, weight or geographic limits.

The legal length limits for Montana and Oregon, as codified under 23 CFR 658, Appendix C, place an overall length limit on triples (i.e. from the front of the tractor to the rear of the last trailer). For Montana the limit is 110' for a conventional tractor and 105' for a cabover (a tractor with a flat face). In Oregon, the overall length limit is 105'. Federal law also imposes overall length limits on South Dakota (110') and Ohio (105'; for Turnpike operations).

Some carriers would like to use sleeper cabs for their triples units to improve driver comfort and standardize operations. The Montana law would allow the use of some sleepers, but sleepers with a longer wheelbase would exceed the 110' limit. Oregon's length limit only allows triples to be operated with cabovers. However, U.S. manufacturers no longer build cabovers.

In 2001, Montana asked FHWA for permission to move from an overall length limit to a cargo-carrying length limit, provided that trailer length did not increase. FHWA agreed on the basis that Congress intended only to limit trailer length, not tractor length. In late 2004, Oregon asked FHWA for the same dispensation. This time, FHWA refused, citing ISTEA's freeze on all LCV-related regulations. Subsequently, FHWA threatened Montana with sanction of the state's federal highway money if the state did not revert to an overall length limit on triples, and Montana responded by making the change.

Congress' intent when enacting the LCV freeze was not to limit tractor length. However, that is the effect in this case. A statutory change is needed to eliminate this unintended consequence of the freeze.

South Dakota Highway Access for LCVs

Since the 1991 federal LCV freeze took effect, several 2-lane highways were upgraded to 4-lane highways in South Dakota, including Highway 37 from Mitchell to Huron and Highway 12 between Aberdeen and Interstate 29. However, due to the freeze, LCVs cannot use these highways and instead must use less safe 2-lane routes. This restriction adds many miles to a carrier's route. If trucks could use Highway 12 this would cut their trips by approximately 220 miles, while using Highway 37 would save about 28 miles. Furthermore, transportation costs for the communities of Fort Pierre and Pierre could be substantially reduced by allowing LCVs to operate on a 32 mile section of 4-laned U.S. 83 from I-90, on which LCVs can currently operate.

These common-sense changes to LCV routes would reduce truck-involved accidents, save fuel, lower emissions and reduce transportation costs. The route changes are supported by state officials and the South Dakota trucking industry. However, federal law stands in the way of these very beneficial reforms.

Washington State Triples Access and Weight Increase

Both Oregon and Idaho allow triple trailer trucks to operate on their highways. While Washington State allows LCV doubles operations, triples are prohibited under federal law. Allowing triples to access very short stretches of highway into Washington would allow the

communities of Spokane and Vancouver, among others, to realize significant economic benefits resulting from reduced freight transportation costs.

Furthermore, the Washington State legislature has passed legislation authorizing a weight increase on Interstate Highways. However, federal law prevents this change in law from taking effect.

The following information describes the many benefits of truck size and weight reform. Additional details regarding the potential advantages of specific reforms are discussed later.

Safety Benefits

While it would not make sense from a safety or economic standpoint to allow larger or heavier trucks to operate on every highway, Congress should not continue to ignore the growing body of evidence that supports the fact that the use of more productive trucks can improve highway safety.

The use of more productive vehicles offers two safety benefits. First, carriers need fewer trucks to haul a given amount of freight, reducing accident exposure. Second, studies have consistently found that certain trucks with greater carrying capacity have a much better safety record than trucks that are in common use today. A study sponsored by the Federal Highway Administration found that the accident rate for longer combination vehicles (LCVs) is half that of other trucks.[12] Specifically, the study found the following accident rates (expressed in crashes per million miles traveled):

Single tractor-semitrailers: 1.93
Double 28' trailers (non-LCV): 1.70
Rocky Mountain Doubles (e.g. 48' + 28'): 0.79
Turnpike Doubles: (e.g. 48’ + 48’): 1.02
Triples: 0.83

These figures are borne out by carriers’ own experience. For example, one large operator of triple-trailer trucks reports that in 2007 the accident rate for triples was 0.43 per million miles traveled, while the comparable figure for the company’s non-LCV doubles fleet was 1.95 accidents per million miles traveled.

Canada, which has similar roadways, vehicles and operating environments to the U.S., has produced a significant body of research on the safety of more productive vehicles. That research has conclusively and consistently found a safety benefit from the use of these vehicles.

One Canadian study found that LCVs have an accident rate that is five times lower than the rate for tractor-semitrailers.[13] This study also found that during the 10-year period after LCVs were authorized to operate on a large scale in Alberta, the number of registered trucks dropped by 19 percent, even though the economy expanded and non-truck vehicle registrations grew by 23

[12] Scientex. *Accident Rates For Longer Combination Vehicles,* 1996.
[13] Woodrooffe and Assoc. *Longer Combination Vehicle Safety Performance in Alberta 1995 to 1998,* March 2001.

percent. The report concluded that increased truck productivity due to expanded LCV use was the most likely reason for this reduction in truck registrations.

Another Canadian study,[14] completed for the Canada Safety Council, reached the following conclusions:

> While accident involvement rates of LCVs are clearly less than those of single trailer trucks in general operations, it would appear that there is little difference in accident involvement rates of LCVs and other trucks when operated under similar conditions of weather, road and driver experience. However, the use of LCVs means fewer kilometers of travel (reduced exposure), compared to single trailer vehicles. For example, a Turnpike Double would require 50% of the vehicle kilometers to move the same volume of freight…
>
> When these exposure factors are taken into account, LCV's exhibit lower accident involvement rates than standard trucks, assuming constant freight demand.

A report commissioned by the Canadian Trucking Alliance found that expanded use of Turnpike Doubles in the Eastern Provinces and Northeastern U.S. states would eliminate 905 million vehicle-kilometers, or 10% of total truck VMT.[15] A literature review conducted as part of that study found the following safety results from other Canadian studies:

• A study by Kenny et al. (2000) states that in more than 30 years of LCV operations in Alberta, LCVs have been found to be involved in fewer collisions per million vehicle kilometers of travel when compared to average commercial vehicles, due to the strict operating restrictions placed on their use.
• A study conducted by Trialpha Consulting (2000) noted the Saskatchewan Special Haul Programs fleet (that includes LCVs) had a collision rate of 0.15 collisions per million vehicle kilometers -- one-fifth of the provincial average for a traditional fleet. At the collision rates noted, and the annual number of kilometers traveled each year, this was estimated to save 18 truck collisions per annum.
• In a study for the Transportation Table on Climate Change (Nix, 1999) it was estimated that the use of Turnpike Doubles, in provinces not presently allowing these units, would result in fewer collisions in those provinces. The estimate was a reduction of 4,870 collisions over the period 2000 to 2020.
• A report completed on Long Truck Activity in Canada for the Canadian Trucking Research Institute (Nix, 1995) stated that there is no evidence that LCVs pose a particular safety hazard. The University of Manitoba report also reviewed several U.S. studies.

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[14] Barton, R. & Tardif, L-P., *Literature Review of the Safety Record of LCV in Canada*, Canada Safety Council, 2003

[15] Barton, R. & Tardif, *Evaluating Reductions in Greenhouse Gas Emissions Through the Use of Turnpike Double Truck Combinations, and Defining Best Practices for Energy-Efficiency*, Dec. 15, 2006.

While lower accident rates are obviously beneficial, reducing accident exposure can also have a significant impact on the number of truck-involved accidents. FHWA's Western Scenario study[16] found that expanding the use of LCVs in the western states where they currently operate, and making the regulations uniform, will reduce truck miles in those states by 25.5%. Therefore, even if the accident rates for LCVs and non-LCVs were the same, a 25.5% reduction in truck-involved accidents can be expected in those states. In addition, FHWA found that allowing 6-axle, 97,000 pound trucks nationwide would reduce truck miles – and therefore accident exposure – by 11% nationwide.[17]

Another important factor is the type of road that is being used. Because federal law restricts heavier trucks from using the Interstate System, many states have allowed heavier trucks to operate on non-Interstate roads, which are inherently less safe than Interstates. Maine allows 5-axle trucks weighing 88,000 pounds and 6-axle trucks weighing 100,000 pounds to operate on the Maine Turnpike (I-95). A study looking into the impacts of shifting that traffic from the Turnpike to secondary roads found that the fatal accident rate on the secondary roads was 10 times higher than on the Turnpike, and the injury accident rate was seven times higher.[18] The study, which also examined the impacts of similar heavy trucks operating in New Hampshire, concluded further:

- If the current weight exemption on the Maine and New Hampshire Turnpikes were discontinued, these states combined would experience six additional crashes each year, with an annual economic impact of more than $540,000.
- The state comparison analysis also found no correlation between states that allow GVW in excess of 80,000 lbs. in normal operations on state networks and high crash rates; in fact, the regression analysis found a positive correlation between low crash rates and high load factors. And, in comparison to other states the crash rate for heavier vehicles in Maine was slightly below the national average. Overall, the comparison of population and fatal heavy truck crashes showed both Maine and New Hampshire ranked where expected in comparison to other states.

Infrastructure Benefits

While ATA recognizes that significant resources will be needed to improve the condition of our highways and address highway congestion with or without size and weight reforms, the use of more productive trucks will allow Congress and the States to avoid some of these costs. Gross weight can be increased and not cause additional pavement damage as long as axle weight is controlled. This is why, for example, a turnpike double (typically twin 48' trailers) that weighs 126,000 pounds can cause half the damage of an 80,000 pound tractor-semitrailer on a ton-mile basis.

While increased weight may in some cases increase bridge maintenance costs, these costs are generally lower than the pavement savings and other benefits, such as lower shipper costs.[19]

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[16] U.S. Department of Transportation. *Western Uniformity Scenario Analysis*, 2004

[17] U.S. Department of Transportation, *Comprehensive Truck Size and Weight Study*, August 2000.

[18] Wilbur Smith Assoc., *Study of Impacts Caused by Exempting the Maine Turnpike and New Hampshire Turnpike from Federal Truck Weight Limits*, June 2004.

[19] Transportation Research Board, *New Trucks for Greater Productivity and Less Road Wear,* 1990.

Proper bridge management can mitigate the impacts of heavier trucks on bridges. Unfortunately, some studies have exaggerated the effects on bridges by wrongly assuming that these trucks would have full access to the highway system and that any bridge not designed to handle multiple loadings of these vehicles would have to be replaced. In reality, the trucks would in almost all cases either be prohibited from using these bridges or the bridge would be strengthened, at much lower cost. For example, a study by the National Academy of Sciences found that allowing heavier trucks on California highways would overstress only six percent of the State's bridges. Nearly all of these bridges were on secondary routes that could easily be restricted by the State DOT without a significant impact on the heavier trucks' operations.[20]

Energy and the Environmental Benefits

Size and weight reform is an effective strategy for mitigating the impacts of carbon dioxide on climate change and addressing the health effects of air pollution due to a reduction in fuel use as a result of fewer trips needed to deliver a given amount of freight. A recent study found that more productive vehicles could reduce fuel usage by up to 39%, with similar reductions in criteria and greenhouse gas emissions.[21] In fact, the Environmental Protection Agency identified the use of double and triple trailer trucks as an effective emissions reduction strategy as part of its Smartway Transport Partnership program.[22] In addition, a recent ATA evaluation of strategies to reduce the trucking industry's carbon footprint identified greater use of more productive trucks as the single most effective technique to lower the industry's greenhouse gas output.[23]

Economic Benefits

In its 2007 *State of Logistics Report*, the Council of Supply Chain Management Professionals described a logistics system whose costs are rising at triple the pace of general inflation.[24] The report found that business logistics costs rose over 11% in 2006 to $1.3 trillion, an increase of $130 billion over 2005. Trucking costs alone increased by $52 billion. Mr. Chairman, if we fail to act, these costs will continue to rise, and will translate into higher consumer prices and slower job growth, and weaken the United States' ability to compete in the global economy.

A number of studies have been conducted to determine the potential economic impacts of increasing size and weight limits. All generally predict a net positive economic return. The largest study to date was the U.S. DOT's *Comprehensive Truck Size and Weight Study* (2000), which looked at the potential impacts of various changes in size and weight regulations. Economic impacts are expressed as a change in shipper costs. According to the study, allowing heavier trucks to operate nationwide would produce savings of seven percent and extensive use of LCVs would reduce shipping costs by 11%.

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[20] Transportation Research Board Special Report 267, *Regulation of Weights, Lengths and Widths of Commercial Vehicles*, 2002.

[21] American Transportation Research Institute, *Energy and Emissions Impacts of Operating Higher Productivity Vehicles, March* 2008.

[22] Environmental Protection Agency.

[23] American Trucking Assns., Strategies for Further Reduction of the Trucking Industry's Carbon Footprint, Oct. 2007.

[24] Council of Supply Chain Management Professionals, 18th Annual *State of Logistics Report*, June 6, 2007.

A 1990 Transportation Research Board study found that simply lifting the 80,000 pound gross weight cap (and retaining bridge formula and axle weight limits) nationwide would reduce truck costs by 2.1%, or net overall savings of 1.4%. Adopting Canadian limits would reduce costs by 11.7%, and 8.8% on a net basis. These are averages - savings differ substantially depending on commodity, configuration and other factors.[25]

A study by Oak Ridge National Labs for FHWA concluded that the use of LCVs in a truckload operation could reduce a shipper's logistics costs by between 13% and 32%, depending on the truck's weight and configuration, the difference in the price charged between an LCV shipment and a single-trailer truck, and the lane volume and length.[26]

Cornell University studied the economic benefits of New York State's overweight divisible load permitting system, and found that it produced direct benefits of up to $708 million annually, with additional infrastructure costs of no more than $35 million.[27]

A Montana State University study of the impacts on that state's economy if size and weight limits were brought down to the federal limits, found a projected reduction in Gross State Product of 0.4%. However, different economic sectors would suffer disproportionately. For example, transportation costs for dairy products would increase 54%, wood chips 37%, cement 31%, and fuel 40%.[28]

Congestion Benefits

According to the most recent report on congestion from the Texas Transportation Institute, in 2005 drivers in metropolitan areas wasted 4.2 billion hours sitting in traffic, burning 2.9 billion gallons of fuel.[29] ATA views size and weight reform as a key component of a long-term strategy to address highway congestion, along with our proposals to address critical freight bottlenecks. Reducing truck VMT through changes in size and weight limits could allow States to avoid costly, disruptive highway expansion projects. Furthermore, some States have explored the possibility of building truck-only lanes on corridors with high levels of congestion and significant truck traffic. Allowing trucking companies to operate more productive vehicles on these lanes would attract truck traffic away from general purpose lanes and help offset additional costs if toll financing is used. However, the rigidity of federal size and weight regulations would, in many cases, prevent States from allowing more productive vehicles to operate on these separate lanes.

PROPOSED REFORMS TO FEDERAL TRUCK SIZE AND WEIGHT REGULATIONS

[25] Transportation Research Board, Special Report 225 – Truck Weight Limits: Issues and Options.
[26] Middendorf, David P. and Michael S. Bronzini. Oak Ridge National Labs for Federal Highway Administration. *The Productivity Effects of Truck Size and Weight Policies*, Nov. 1994.
[27] Meyburg, Arnim H., et. al., School of Civil and Environmental Engineering, Cornell U., *Impact Assessment of the Regulation of Heavy Truck Operations*, Sep. 1994.
[28] Hewitt, Julie, et. al. Montana State University, *Infrastructure and Economic Impacts of Changes in Truck Weight Regulations in Montana*, July 1998.
[29] Texas Transportation Institute, *2007 Urban Mobility Report*.

Mr. Chairman, ATA recommends eight limited reforms to federal truck size and weight regulations. It should be noted that other than recommendations 5, 7 and 8, none of these proposals would require states to make changes to their regulations. Instead, federal law would simply give states the flexibility to change their own regulations. The proposed changes would give States the authority to require a permit, limit the routes on which the vehicles can operate, specify gross and axle weight and vehicle length limitations, restrict the new authority to specific commodities, or impose any other regulation or limitation allowed under federal and state law. In short, Mr. Chairman, ATA's proposals would give States significant flexibility, while retaining restrictions designed to ensure safe operations and preservation of highway infrastructure.

1. Allow western states to harmonize longer combination vehicle laws and regulations.

In April 2004, the Federal Highway Administration released its "Western Uniformity Scenario Analysis." The report looked at the impacts of allowing uniform western state longer combination vehicle (LCV) use, including the impacts if LCV use was expanded to the entire western region's Interstate Highway System (excluding California, Arizona, New Mexico and Texas).

The report found a 25.5% reduction in total truck vehicle miles, and little impact on rail market share or profitability. The study found a slight reduction in pavement maintenance costs, but estimated that bridge costs would more than double. Overall, infrastructure costs would rise by between $43 million and $133 million per year in the study region. The reduced VMT would result in 12% lower energy consumption, 10% less noise, and 12% lower emissions. Shipper savings would total just over $2 billion per year, about a 4% cost reduction.

2. Allow states to authorize 6-axle, 97,000 pound tractor semi-trailers.

ATA recommends the authorization of single-trailer trucks with a GVW of 97,000 lbs, provided the truck has six axles, including a tridem axle on the rear of the trailer. Maximum weight on the tridem axle is limited to 51,000 lbs. While current single and tandem axle weight limits would continue, this vehicle would exceed the GVW allowed under the current bridge formula.

Operation of this vehicle, along with the vehicle described in #6 below, is expected to produce positive safety, energy, environmental, congestion, economic and infrastructure preservation benefits. The U.S. Department of Transportation estimated that nationwide operation of these trucks along with the configuration described in recommendation 6 below would reduce overall truck vehicle miles traveled by 11%. This would produce measurable reductions in the number of truck-involved accidents and levels of congestion. In addition, the vehicle's higher payload, despite a slight fuel economy penalty, would produce a 19% decrease in fuel consumption and emissions versus an 80,000 lbs GVW truck, when measured on a ton-mile basis. There is also substantial evidence to suggest that adoption of this vehicle, on either a nationwide or regional basis, will lower shipping costs, thus reducing costs to U.S. manufacturers, farmers, retailers and, ultimately, to consumers. Finally, the additional axle would offset the extra weight of this truck, eliminating negative pavement impacts, and in fact producing cost savings as a result of the reduction in the number of trips expected due to the vehicle's greater payload. While there are

potential negative cost impacts for bridges, the ability of states to regulate routes of operation should allow them to minimize these costs, and may actually produce cost savings if heavier vehicles shift from secondary roads to Interstate Highways that have stronger bridges.

3. Remove gross weight limit on 5-axle combination vehicles.

Maintain current federal axle weight and bridge formula limits, but lift the 80,000 lbs GVW cap. This will have two benefits. First, for those trailers with tandem axles that slide independently, spreading the axles 96 inches or more allows the axles to be weighed independently as single axles, thus allowing up to 20,000 lbs on each axle, for a maximum GVW of 86,000 lbs. Another benefit is that the absence of a GVW cap will help to compensate for the increased weight of tractors due to federal emissions regulations and state and local idling restrictions.

4. Allow limited expansion of LCVs beyond western scenario states.

Longer Combination Vehicles operate on a limited basis in states beyond those in the western uniformity scenario. LCV doubles and triples are currently allowed on the Ohio Turnpike and Indiana Toll Road. LCV doubles are also allowed on the Florida Turnpike, New York Thruway and Massachusetts Turnpike. In addition, LCV doubles and triples operate on a short section of I-15 in Arizona and in Alaska. Limited expansion in states that are interested in allowing these configurations can help relieve congestion, improve air quality, reduce crashes, and reduce fuel usage.

5. Standardize 53 foot trailer length.

Current federal law establishes 48’ as the minimum trailer length on the National Network (NN). There is no federal limit on trailer length, and all states impose length restrictions. Trailer length on the Interstate System is limited to 53’ except in the following states, which allow trailers longer than 53’: Alabama, Arizona, Arkansas, California, Colorado, Florida, Kansas, Louisiana, Mississippi, Missouri, Montana, Nevada, New Mexico, Oklahoma, Texas, Washington, and Wyoming. In addition, 53’ trailers are not allowed on I-95 in New York City or on I-295 in Washington, DC. Some jurisdictions restrict the movement of trailers longer than 48’ on National Network highways that are not part of the Interstate System.

While national trailer uniformity is federally protected for 48’ trailers, 53’ trailers have become the industry standard. Federal law should be brought up to modern standards to ensure the continued protection of the flow of interstate commerce by changing minimum trailer length limits to 53’. In addition, ATA supports capping trailer length at 53’ except in states where longer trailers are currently allowed.

6. Allow states to authorize double 33-foot trailers.

Transportation Research Board Special Report 267 recommended nationwide operation of double 33’ trailers, with no gross weight cap and weight limited by the current federal bridge formula and axle weight limits. According to the TRB report, the bridge formula would allow for a maximum weight of 111,000 lbs on 9 axles. The double 33’ trailer combination is appropriate

for operation on most highways because its operational characteristics are similar to a 45' tractor-semitrailer combination.

7. Allow a 10% axle and gross weight tolerance for auto transporters.

In 2007, more than 52% of the motor vehicles sold in the United States were either minivans, pick-up trucks, or sport utility vehicles. Because these vehicles are heavier than passenger cars, many auto haulers cannot legally load their equipment to maximum capacity and also meet the 80,000 pound gross weight limit. In many instances, there is space on the truck for one or two additional vehicles, but adding additional vehicles would make the truck overweight under federal law.

While larger vehicle sales are declining in the face of higher fuel costs, sales of hybrid vehicles are increasing substantially. A large hybrid SUV can weigh up to 1,900 pounds more than the non-hybrid version of the same vehicle, while the weight of a hybrid passenger car can exceed its non-hybrid counterpart's weight by more than four hundred pounds.

A 10% axle and gross weight tolerance would allow auto transporters to reduce the number of trips needed to deliver passenger vehicles, reducing accident exposure, fuel use and emissions. Fewer trips also mean lower transportation costs for the automobile manufacturing industry.

8. Ensure nationwide adoption of weight exemption for Alternative Power Units.

One highly effective way to reduce fuel use by the trucking industry is to limit the amount of fuel burned by idling the main engine through installation of an alternative power unit (APU). Unfortunately, the weight of these units are a disincentive to some carriers, who want to avoid the productivity loss they would experience by trading off the loss of cargo capacity for the energy efficiencies gained by installing the APU. To address this issue, Congress included in the Energy Policy Act of 2005 (Public Law 109-58 Section 756(c)), a 400 pound weight exemption for APUs. Congress' intent was to override state law and mandate the weight tolerance. However, according to the Federal Highway Administration's Final Rule issued February 20, 2007 (*72 FR 7741*), the tolerance is permissive rather than prescriptive. This means that while states may allow the tolerance without risk of federal sanction for exceeding federal gross or axle weight limits, they are not required to grant the exemption.

This presents a number of problems. First, states would have to adopt the exemption individually, which could take years. Second, even a single hold-out would present a problem for an interstate carrier, who would be reluctant to install the APUs knowing that they risk a ticket if they enter a state that does not allow the tolerance.

Based on conversations with Congressional committee staff and the Member of Congress who sponsored and supported the tolerance language, ATA strongly believes that Congress' clear intent was to override state law and mandate the weight tolerance for APUs. In fact, some carriers installed the units following passage of the Energy Bill based on this assumption, and

have been surprised when states have issued citations for an overweight violation. We urge Congress to revise the statute to ensure immediate nationwide of the APU weight exemption.

CONCLUSIONS

Mr. Chairman, more productive vehicles are operating throughout the United States today, and they are doing so safely. They also help U.S. businesses to remain competitive and their use reduces energy consumption and emissions. To give one example, the operation of LCVs on the Ohio Turnpike lowered truck VMT on that highway by at least 2.4 million miles in 2006. LCVs prevent more than 404,000 gallons of fuel from being burned on the Turnpike, which means a reduction of nearly 4,500 tons of carbon dioxide each year. ATA urges Congress to allow the States to take advantage of the many potential benefits that can be gained from reforming size and weight regulations while continuing the federal role of ensuring the efficient movement of interstate commerce through minimum size and weight standards on the Interstate System and National Network highways.

We want to stress that our proposals would in most cases simply authorize States to change their own laws, and shifts the authority to make changes in law from federal to State hands. This is appropriate given that States are responsible for the safety and maintenance of the vast majority of the Nation's highways. We urge you to give States and the trucking industry the necessary tools to save lives, reduce energy consumption and emissions and address critical economic challenges.